

EXHIBIT C

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STARKIST CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARREN GARDNER, et al., on behalf of
Themselves and all others similarly situated,

Plaintiffs,

v.

STARKIST CO., a Delaware Corporation,

Defendant.

Case No. 3:19-cv-02561-WHO

**STARKIST CO.'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
FIRST SET OF REQUESTS FOR
ADMISSION**

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Defendant StarKist Co. (“StarKist”) hereby responds and objects to Plaintiffs’ First Set of Requests for Admission served by electronic mail on August 13, 2020 (the “Requests”) as follows:

PRELIMINARY STATEMENT

1. These responses and objections are based on StarKist’s interpretation and understanding of the individual Requests and its investigation to date, its knowledge, and its belief. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, StarKist expressly reserves the right to augment, amend, or supplement these responses and objections as necessary, including based on additional or different information that further investigation or discovery may disclose.

2. StarKist’s responses and objections to the Requests are made solely for the purpose of and in relation to the above-captioned action (the “Action”) and on the express condition that such information shall not be used or disclosed for any other purpose. To the extent StarKist provides any information in response to the Requests, it will do so in accordance with the Stipulated Protective Order that the Court entered on April 16, 2020 (Dkt. No. 96).

3. StarKist reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents, and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents, and things in these responses.

4. StarKist’s responses and objections are made without waiving or intending to waive any objection(s).

GENERAL OBJECTIONS

1. StarKist objects to the Requests on the grounds, reflected in its pending Motion to Deny Class Certification (Dkt. No. 107) (the “Motion”), that class certification should be denied without discovery in this Action because Plaintiffs cannot make a *prima facie* showing of Rule 23’s prerequisites and because discovery is not likely to produce persuasive information substantiating the class action allegations. StarKist intends to

1 supplement these responses and objections, if and to the extent necessary, after the Court
2 has addressed the Motion.

3 2. StarKist objects to the Requests based on the Court's June 4, 2020 Order on
4 Discovery Dispute in the related case *Duggan v. Tri-Union Seafoods LLC*, Case No. 3:19-
5 cv-02562-WHO (*Duggan* Dkt. No. 74) (the "Discovery Order"). Specifically, StarKist
6 objects to the extent Plaintiffs' Requests are in violation of the Court's Discovery Order
7 holding that the "only label at issue in [this Action] is the dolphin-safe label" and that
8 discovery requests "relating to sustainability should be narrowed to . . . relate to dolphin
9 harm and/or dolphin mortality."

10 3. StarKist objects to the Requests to the extent they impose obligations and
11 demands upon StarKist beyond those contemplated by the Federal Rules of Civil
12 Procedure, the applicable Local Rules, or any order or ruling by the Court in this case.

13 4. StarKist objects to the Requests to the extent they seek information that is
14 not in StarKist's possession, custody, or control. StarKist further objects to the Requests to
15 the extent that they purport to require StarKist to conduct anything beyond a reasonable and
16 diligent search for responsive information where such information would reasonably be
17 expected to be found.

18 5. StarKist objects to the Requests to the extent they seek the disclosure of
19 information protected by any applicable privilege, including but not limited to the attorney-
20 client privilege, common-interest privilege, the work-product doctrine or immunity, and
21 any other applicable privilege, immunity, or exemption from discovery as outlined in the
22 Federal Rules of Civil Procedure, Local Rules, any order or ruling by the Court in this case,
23 and applicable law. To the fullest extent allowable under Federal Rule of Evidence 502 and
24 any other applicable law, inadvertent disclosure of any such information shall not constitute
25 a waiver of any privilege with respect to the information disclosed or the subject matter
26 thereof, or a waiver of StarKist's right to object to the use of any such information during
27 trial or any subsequent proceeding or to demand the return of any information so disclosed.

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1 6. StarKist objects to the Requests to the extent they seek trade secrets,
2 sensitive business information, or other information that is proprietary and/or confidential,
3 including information deemed confidential pursuant to a confidentiality agreement or other
4 arrangements or protected from disclosure pursuant to court order. StarKist will not
5 disclose or produce information that is subject to confidentiality restrictions of a third party
6 except in conformity with StarKist's obligations to such third parties.

7 7. StarKist objects to the Requests to the extent that they contain inaccurate,
8 incomplete, or misleading descriptions of the facts, persons, relationships, and/or events
9 underlying this Action. StarKist further objects to the Requests in their entirety to the
10 extent that they assume the existence of facts that do not exist or the occurrence of events
11 that did not take place. The fact that StarKist is willing to provide responsive information
12 does not constitute an admission that any Request is proper, that the information it seeks is
13 relevant or within the proper bounds of discovery, that the factual predicates stated in the
14 Requests are accurate, or that similar Requests will be treated in a similar fashion.

15 8. StarKist objects to the Requests to the extent that they are overbroad, unduly
16 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not
17 related to any party's claim or defense, or not proportional to the needs of the case.

18 9. StarKist objects to the Requests to the extent that they seek information
19 already obtained by Plaintiffs or that they can obtain from sources that are more convenient,
20 less burdensome, or less expensive. In particular, StarKist objects to the extent the
21 Requests seek information, which by reason of public filing, prior production, or otherwise,
22 are already in Plaintiffs' possession or are readily accessible to Plaintiffs.

23 10. StarKist objects to the Requests as premature to the extent that StarKist
24 would have to engage in expert analysis, and/or render expert opinions in order to respond.

25 11. StarKist objects to the Requests to the extent that they are duplicative or
26 cumulative, and objects to each Request to the extent that it is duplicative or cumulative of
27 other discovery.

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12. StarKist objects to the definitions of “and,” “or,” and “any” as vague, ambiguous, overbroad, unduly burdensome, and to the extent they impose obligations on StarKist that are different or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the Court in this case. StarKist will construe “and,” “or,” and “any” to have their normal meaning.

13. StarKist objects to the defined term “EII Dolphin Safe Logo” as vague, ambiguous, and nonsensical in its use of the word “EII,” which is undefined and has no apparent connection to the referenced logo in paragraph 20 of Plaintiffs’ SAC (the “Dolphin Safe Logo”). StarKist will construe “EII Dolphin Safe Logo” to mean the “Dolphin Safe Logo.”

14. StarKist objects to the definition of “FADs” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to fish aggregating devices used to attract tuna for use in the tuna products at issue in this case.

15. StarKist objects to the definition of “Label(s)” and “Labeling” as vague, ambiguous, overbroad, and unduly burdensome to the extent they purport to include “any other promotion or promotional campaign materials that . . . come with” any StarKist product.

16. StarKist objects to the definition of “Longlines” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to longlines used to catch tuna for use in the tuna products at issue in this case.

17. StarKist objects to the definition of “Product(s)” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include any tuna products that are not branded as “StarKist” products.

18. StarKist objects to the definition of “Retailer(s)” as vague, ambiguous, overbroad, and unduly burdensome in its use of the term “end-users” and its reference to “business locations . . . online . . . in the United States.”

1 19. StarKist objects to the definition of “StarKist,” “You,” “Your,” and
2 “Manufacturer” as vague, ambiguous, overbroad, and unduly burdensome to the extent that
3 it purports to encompass StarKist’s “past and present parents, subsidiaries, affiliates,
4 predecessors, successors, employees, independent contractors, officers, agents, vendors,
5 accountants, and all other persons or entities acting on its behalf or under its direct or
6 indirect control including, without limitation, Dongwon Industries Co. Ltd.” StarKist
7 further objects to this definition to the extent it seeks information not within StarKist’s
8 possession, custody, or control. StarKist further objects to this definition to the extent it
9 seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this
10 Action with prejudice. StarKist further objects to this definition to the extent it seeks
11 information, the disclosure of which is prohibited by law, regulation, order of a court, or
12 other authority of a foreign jurisdiction in which the information is located. StarKist further
13 objects to the extent that the definition calls for a legal conclusion as to any agency,
14 employment, or affiliate relationship. StarKist will construe “StarKist,” “You,” “Your,”
15 and “Manufacturer” to mean StarKist Co.

16 20. StarKist objects to the definition of “Sustainable” as overbroad, uncertain,
17 vague, and ambiguous, particularly in light of the Discovery Order holding that discovery
18 requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or
19 dolphin mortality.”

20 21. StarKist objects to the definition of “Traditional FADs” as vague,
21 ambiguous, overbroad, and unduly burdensome in its use of the double negative “not non-
22 entangling.”

23 22. StarKist objects to the INSTRUCTIONS to the extent that they seek to
24 impose any obligations on StarKist that are different or broader than those set forth in the
25 Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the
26 Court in this case.

27 StarKist hereby incorporates the foregoing General Objections into each of its
28 responses below, as though fully stated therein.

1 **SPECIFIC RESPONSES AND OBJECTIONS**

2 **REQUEST FOR ADMISSION NO. 1**

3 Admit that all the Products sold in the United States were continuously labeled with
4 the EII Dolphin Safe Logo.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

6 StarKist hereby incorporates by reference its General Objections. StarKist further
7 objects to this Request on the grounds, reflected in the Motion, that class certification
8 should be denied without discovery in this Action. StarKist further objects on the basis that
9 this Request is overbroad and unduly burdensome and seeks information that is not
10 proportional to the needs of discovery in this case, particularly in its use of the phrase “all
11 the Products.” StarKist further objects to this Request as vague and ambiguous, particularly
12 with respect to the phrase “continuously labeled.” StarKist further objects to the defined
13 term “EII Dolphin Safe Logo” as vague, ambiguous, and nonsensical in its use of the word
14 “EII.” StarKist further objects to the Request to the extent that it seeks information that is
15 publicly available and/or can be obtained from sources that are more convenient, less
16 burdensome, or less expensive. StarKist further objects to this Request to the extent it
17 seeks information not within the possession, custody, or control of StarKist. StarKist
18 further objects to the Request to the extent that it seeks information protected from
19 discovery by any applicable privilege, immunity, or protection.

20 **REQUEST FOR ADMISSION NO. 2**

21 Admit that dolphins are harmed or killed in sourcing tuna for Your Products.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects to this Request on the grounds, reflected in the Motion, that class certification
25 should be denied without discovery in this Action. StarKist further objects to this Request
26 as compound. StarKist further objects to this Request as vague and ambiguous, particularly
27 with respect to the term “harmed” and the phrase “in sourcing.” StarKist further objects to
28 the Request to the extent that it seeks information that is publicly available and/or can be

1 obtained from sources that are more convenient, less burdensome, or less expensive.
2 StarKist further objects to the Request to the extent that it seeks information protected from
3 discovery by any applicable privilege, immunity, or protection.

4 **REQUEST FOR ADMISSION NO. 3**

5 Admit that You do not know how many dolphins are harmed or killed in sourcing
6 tuna for Your Products.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
9 objects to this Request on the grounds, reflected in the Motion, that class certification
10 should be denied without discovery in this Action. StarKist further objects to this Request
11 as compound. StarKist further objects to this Request as vague and ambiguous, particularly
12 with respect to the term “harmed” and the phrase “in sourcing.” StarKist further objects to
13 the Request to the extent that it seeks information protected from discovery by any
14 applicable privilege, immunity, or protection.

15 **REQUEST FOR ADMISSION NO. 4**

16 Admit that You have no information that consumers of Your Products do not
17 believe that “Dolphin Safe” as used by You means that You do not use fishing methods
18 known to kill and harm dolphins.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 4**

20 StarKist hereby incorporates by reference its General Objections. StarKist further
21 objects to this Request on the grounds, reflected in the Motion, that class certification
22 should be denied without discovery in this Action. StarKist further objects on the basis that
23 this Request is overbroad and unduly burdensome and seeks information that is not
24 proportional to the needs of discovery in this case. StarKist further objects to this Request
25 as vague and ambiguous, particularly with respect to the term “harm” and in the use of the
26 triple negative. StarKist further objects to the Request to the extent that it seeks
27 information protected from discovery by any applicable privilege, immunity, or protection.
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1 **REQUEST FOR ADMISSION NO. 5**

2 Admit that Longlines were used to capture some of the tuna in Your Products.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 5**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects to this Request on the grounds, reflected in the Motion, that class certification
6 should be denied without discovery in this Action. StarKist further objects on the basis that
7 this Request is overbroad and unduly burdensome and seeks information that is not
8 proportional to the needs of discovery in this case. StarKist further objects to this Request
9 as vague and ambiguous, particularly with respect to the term “capture.” StarKist further
10 objects to the Request to the extent that it seeks information that is publicly available and/or
11 can be obtained from sources that are more convenient, less burdensome, or less expensive.
12 StarKist further objects to the Request to the extent that it seeks information protected from
13 discovery by any applicable privilege, immunity, or protection.

14 **REQUEST FOR ADMISSION NO. 6**

15 Admit that some of the tuna in Your Products is supplied by purse seine fishing
16 vessels using Traditional FADs.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 6**

18 StarKist hereby incorporates by reference its General Objections. StarKist further
19 objects to this request on the grounds, reflected in the Motion, that class certification should
20 be denied without discovery in this Action. StarKist further objects on the basis that this
21 Request is overbroad and unduly burdensome and seeks information that is not proportional
22 to the needs of discovery in this case. StarKist further objects to this Request as vague and
23 ambiguous, particularly with respect to the phrase “purse seine fishing vessels.” StarKist
24 further objects to the Request to the extent that it seeks information that is publicly
25 available and/or can be obtained from sources that are more convenient, less burdensome,
26 or less expensive. StarKist further objects to the Request to the extent that it seeks
27 information protected from discovery by any applicable privilege, immunity, or protection.

28

1 **REQUEST FOR ADMISSION NO. 7**

2 Admit that Longlines and purse seine fishing vessels using Traditional FADs
3 capture at least 80% of the tuna in your Products.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 7**

5 StarKist hereby incorporates by reference its General Objections. StarKist further
6 objects to this request on the grounds, reflected in the Motion, that class certification should
7 be denied without discovery in this Action. StarKist further objects on the basis that this
8 Request is overbroad and unduly burdensome and seeks information that is not proportional
9 to the needs of discovery in this case. StarKist further objects to this Request as vague and
10 ambiguous, particularly with respect to the term “capture” and the phrases “purse seine
11 fishing vessels” and “80% of the tuna in your Products.” StarKist further objects to this
12 Request as cumulative and duplicative of Request Nos. 5 and 6. StarKist further objects to
13 the Request to the extent that it seeks information that is publicly available and/or can be
14 obtained from sources that are more convenient, less burdensome, or less expensive.
15 StarKist further objects to the Request to the extent that it seeks information protected from
16 discovery by any applicable privilege, immunity, or protection.

17 **REQUEST FOR ADMISSION NO. 8**

18 Admit that You have studied whether “Dolphin Safe” would be important to
19 consumers of Your Products.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 8**

21 StarKist hereby incorporates by reference its General Objections. StarKist further
22 objects to this Request on the grounds, reflected in the Motion, that class certification
23 should be denied without discovery in this Action. StarKist further objects on the basis that
24 this Request is overbroad and unduly burdensome and seeks information that is not
25 proportional to the needs of discovery in this case. StarKist further objects to this Request
26 as vague and ambiguous, particularly with respect to the term “studied” and the phrase
27 “whether ‘Dolphin Safe’ would be important.” StarKist further objects to this Request as
28 premature to the extent that it calls for expert analysis and/or opinions. StarKist further

objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

REQUEST FOR ADMISSION NO. 9

Admit that You have studied whether “Dolphin Safe” would be important to Retailers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 9

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “studied” and the phrase “whether ‘Dolphin Safe’ would be important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

REQUEST FOR ADMISSION NO. 10

Admit that “Dolphin Safe” is an important factor for consumers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 10

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “‘Dolphin Safe’ is an important factor.” StarKist further objects to this Request as premature to the extent that it

calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request No. 8. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 11

Admit that “Dolphin Safe” is an important factor for Retailers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 11

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “‘Dolphin Safe’ is an important factor.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request No. 9. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 12

Admit that You have studied whether the use of Sustainable fishing practices in capturing the tuna in Your Products is important to consumers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 12

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “studied,” “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request Nos. 8 and 10. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

REQUEST FOR ADMISSION NO. 13

Admit that You have studied whether the use of Sustainable fishing practices in capturing the tuna in Your Products is important to Retailers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 13

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “studied,” “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the

1 extent that it calls for expert analysis and/or opinions. StarKist further objects to this
 2 Request as cumulative and duplicative of Request Nos. 9 and 11. StarKist further objects to
 3 the Request to the extent that it seeks information protected from discovery by any
 4 applicable privilege, immunity, or protection. StarKist further objects to this Request to the
 5 extent it calls for information that is subject to third-party confidentiality restrictions.

6 **REQUEST FOR ADMISSION NO. 14**

7 Admit that the use of Sustainable fishing practices in capturing the tuna in Your
 8 Products is important to consumers of Your Products.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 14**

10 StarKist hereby incorporates by reference its General Objections. StarKist further
 11 objects to this Request on the grounds, reflected in the Motion, that class certification
 12 should be denied without discovery in this Action. StarKist further objects on the basis that
 13 this Request is overbroad and unduly burdensome and seeks information that is not
 14 proportional to the needs of discovery in this case, particularly in light of the Discovery
 15 Order holding that discovery requests “relating to sustainability should be narrowed to . . .
 16 relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as
 17 vague and ambiguous, particularly with respect to the terms “Sustainable,” “capturing,” and
 18 “important.” StarKist further objects to this Request as premature to the extent that it calls
 19 for expert analysis and/or opinions. StarKist further objects to this Request as cumulative
 20 and duplicative of Request Nos. 8, 10, and 12. StarKist further objects to the Request to the
 21 extent that it seeks information that is publicly available and/or can be obtained from
 22 sources that are more convenient, less burdensome, or less expensive. StarKist further
 23 objects to this Request to the extent it seeks information not within the possession, custody,
 24 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
 25 information protected from discovery by any applicable privilege, immunity, or protection.

26 **REQUEST FOR ADMISSION NO. 15**

27 Admit that the use of Sustainable fishing practices in capturing the tuna in Your
 28 Products is important to Retailers of Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 15

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “Sustainable,” “capturing,” and “important.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request Nos. 9, 11, and 13. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 16

Admit that FADs, regardless of design, attract dolphins.

RESPONSE TO REQUEST FOR ADMISSION NO. 16

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “attract.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive.

StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 17

Admit that the price You charge for Your Products includes at least some of the costs to You of obtaining and maintaining authorization to use the EII Dolphin Safe logo on Your Products.

RESPONSE TO REQUEST FOR ADMISSION NO. 17

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “includes at least some of the costs” and “obtaining and maintaining authorization to use.” StarKist further objects to the defined term “EII Dolphin Safe Logo” as vague, ambiguous, and nonsensical in its use of the word “EII.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 18

Admit that the price You charge for Your Products includes at least some of the cost to You of complying with the DPCIA.

RESPONSE TO REQUEST FOR ADMISSION NO. 18

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in light of Plaintiffs’

repeated representations and the Court’s repeated recognition that the allegations in this Action do not relate to compliance with the DPCIA. *See, e.g.*, Dkt. No. 84 at 13; Dkt. No. 92 at 8. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “includes at least some of the cost.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 19

Admit that the FADs used to capture the tuna in Your Products indiscriminately capture or harm dolphins.

RESPONSE TO REQUEST FOR ADMISSION NO. 19

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects to this Request as compound. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “capture,” “indiscriminately,” and “harm.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REQUEST FOR ADMISSION NO. 20

Admit that the Longlines used to capture the tuna in Your Products indiscriminately capture or harm dolphins.

RESPONSE TO REQUEST FOR ADMISSION NO. 20

StarKist hereby incorporates by reference its General Objections. StarKist further objects to this Request on the grounds, reflected in the Motion, that class certification should be denied without discovery in this Action. StarKist further objects to this Request as compound. StarKist further objects to this Request as vague and ambiguous, particularly

1 with respect to the terms “capture,” “indiscriminately,” and “harm.” StarKist further
2 objects to the Request to the extent that it seeks information that is publicly available and/or
3 can be obtained from sources that are more convenient, less burdensome, or less expensive.
4 StarKist further objects to the Request to the extent that it seeks information protected from
5 discovery by any applicable privilege, immunity, or protection.

6 Dated: September 14, 2020

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